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**To:** [Hamre, John G.](#)  
**Subject:** Filing Accepted for Case: 08-2018-CV-02937; Environmental Law and Policy Center, et al. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3293204  
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## Filing Accepted

Envelope Number: 3293204

Case Number: 08-2018-CV-02937

Case Style: Environmental Law and  
Policy Center, et al. vs. North Dakota  
Public Service Commission, et al.



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Filing Details	
<b>Court</b>	Burleigh County - South Central District
<b>Case Number</b>	08-2018-CV-02937
<b>Case Style</b>	Environmental Law and Policy Center, et al. vs. North Dakota Public Service Commission, et al.
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<b>Filed By</b>	John Hamre
<b>Filing Attorney</b>	Illona Jeffcoat-Sacco

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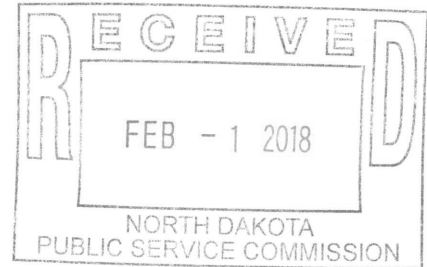
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February 1, 2018



**HAND-DELIVERED**

Mr. Randy Christmann  
Ms. Julie Fedorchak  
Mr. Brian Kroshus  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480

**RE: December 19, 2017 Meeting Concerning  
Davis Refinery**

Dear Commissioners Christmann, Fedorchak and Kroshus:

**Introduction**

I write on behalf of Meridian Energy Group, Inc. (“Meridian”) as a follow up to the meeting had on December 19, 2017 between representatives of Meridian and you as Commissioners of the North Dakota Public Service Commission (“Commission”) and your staff relative to Meridian’s plans to construct the Davis Refinery in Billings County, North Dakota. This letter is to thank you for the meeting and to augment the letters dated July 20, 2016 and March 14, 2017 and the discussions had on December 19, 2017.

**Background**

Meridian was formed to build and operate the Davis Refinery an advance technology crude oil refinery proposed to be constructed near Belfield, North Dakota. Currently, Meridian’s plans are to construct the Davis Refinery with a capacity of 27,500 barrels of Bakken crude oil per day. Depending upon the success of the refinery, at a later date, the Davis Refinery may be expanded. At this time there are no plans to design or construct a refinery capable of refining greater than 49,500 barrels of oil per day.

**Handing Over Jurisdiction to the PSC**

Oponents of the Davis Refinery make unfounded and unsupported accusations about the Commission’s jurisdiction over construction of the Davis Refinery. Those misrepresentations do the public disservice by only serving to confuse the public as to the Commission’s role with respect to regulating energy conversion facilities. Those misrepresentations also fail to recognize, or indeed ignore, the plain language of Section 49-22.1-03 of the North Dakota

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Century Code. Section 49-22.1-03 defines “energy conversion facility” as a “plant, addition, or combination of plant and addition, designed for or capable of . . . [m]anufacture or refinement of 50,000 barrels . . . or more of liquid hydrocarbon products per day.” Because the Davis Refinery is not being designed nor will it be capable of refining more than 27,500 barrels of oil per day, the Commission, contrary to those who oppose the Davis Refinery, does not have jurisdiction over construction of the refinery.

### Reducing Local Control

Those who oppose the Davis Refinery also seek to override the local procedural steps that have already been secured by Meridian. In the event Meridian were to agree to PSC jurisdiction, local political subdivisions would likely conclude that their previous decisions were meaningless and a total waste of time. As such, requesting Meridian to ignore the plain language of North Dakota’s Energy Conversion and Transmission Facilities Act and submitting to Commission jurisdiction as suggested by those opposed to the Davis Refinery, is unfair, unrealistic and ultimately counterproductive to Meridian as well as the local subdivisions who have already passed judgment on the refinery. Moreover, it favors those who oppose the construction of any energy conversion facility over the regulated entity seeking approval. The implications of this sort of favoritism is clear. Even the smallest of projects will be subject to more criticism by out-of-state groups, more protests, more litigation, and more delay. The likely result is that energy conversion projects that would otherwise be constructed in North Dakota will be constructed elsewhere.

### Conclusion

North Dakota is on the cusp of history as Meridian proposes to locate in Billings County the world’s cleanest refinery. The Davis Refinery will be the first digital refinery and when completed will set new standards for pollution control. The Davis Refinery will create up to 200 high pay, highly skilled direct jobs and based on Washington State studies showing a multiplier effect of over 12:1, total increased employment of up to 2,400 in the area. Because the Davis Refinery is not designed for, nor will it be capable of refining more than 50,000 barrels of oil per day, it need not be sited by the Commission under the provisions of Chapter 49.22.1 of the North Dakota Century Code.

Once again, thank you for granting Meridian the opportunity on December 19, 2017 to meet with you and hopefully clarify, and explain Meridian’s plans with respect to construction of the Davis Refinery.

Sincerely,



LAWRENCE BENDER

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